

DELTA PROTECTION COMMISSION

14215 RIVER ROAD
P.O. BOX 530
WALNUT GROVE, CA 95690
PHONE: (916) 776-2290
FAX: (916) 776-2293



September 15, 1995

To: Delta Protection Commission

From: Margit Aramburu, Executive Director

Subject: Staff Report and Preliminary Staff Analysis on
SACRAMENTO COUNTY

Background:

The Delta Protection Act states that within 180 days of the adoption of the resource management plan, all local governments shall submit to the Commission proposed amendments which will cause their general plans to be consistent with the criteria in Section 29763.5 with respect to land located within the Primary Zone. The 180th day was August 22, 1995.

The Commission is required to review, and as appropriate, approve by a majority vote of the Commission membership, proposed general plan amendments of a local government, as to land within the Primary Zone. The Act allows the Commission to approve such amendments only after making all of the following written findings regarding the general plan and any development approved or proposed that is consistent with the resource management plan:

- a. consistent with the resource management plan (Land Use and Resource Management Plan for the Primary Zone of the Delta).
- b. will not result in wetland or riparian loss.
- c. will not result in the degradation of water quality.
- d. will not result in increased nonpoint source pollution.
- e. will not result in the degradation or reduction of Pacific Flyway habitat.
- f. will not result in reduced public access, provided the access does not infringe on private property rights.
- g. will not expose the public to increased flood hazard.

- h. will not adversely impact agricultural lands or increase the potential for vandalism, trespass, or the creation of public or private nuisances on public or private land.
- i. will not result in the degradation or impairment of levee integrity.
- j. will not adversely impact navigation.
- k. will not result in any increased requirements or restrictions upon agricultural practices in the primary zone.

Sacramento County Submittal:

The Director of the Planning and Community Development Department, Thomas W. Hutchings, submitted a two page letter dated August 18, 1995, which was received by fax on August 23, 1995 (see attachment).

Description of Lands within the County:

Sacramento County sweeps through the northern half of the Delta, from I-5, southwest to the confluence of the Sacramento and San Joaquin Rivers covering about 95,000 acres, about 19 percent of the Primary Zone (see attached map). Islands and tracts include: Pierson District, Sutter Island, Grand Island, McCormack Williamson Tract, Tyler Island, southern half of Brannan-Andrus Island, Twitchell, and Sherman Island. The northern half of Brannan-Andrus Island is in the Secondary Zone. The State of California owns much of the southernmost part of the County, including large portions of Sherman and Twitchell Islands, and Brannan Island State Recreation Area.

Existing General Plan:

Sacramento County adopted a new General Plan in December, 1993. The Plan identifies future growth areas, which are out of the Delta. The County's adopted Urban Service Boundary does not pass west of I-5. Most of the Delta is designated as Agricultural Cropland. Areas of low density residential use are located in the existing communities of Hood, Courtland, Locke, and Walnut Grove. Small areas are identified as Intensive Industrial and Extensive Industrial

use. Recreational uses are designated at the north tip of Sherman Island, Brannan Island State Park, eastern Andrus Island, the area west of Island, and the area between the Cross Channel and Locke. Areas of Natural Reserve include: Lost Slough, Sherman Island Wildlife Area, the west tip of Grand Island, Stone Lakes, Delta Meadows, and the levees along several sloughs (Snodgrass, Sevenmile, and Steamboat Sloughs).

The Agricultural Element promotes protection of Agricultural land using mitigation to provide in-kind protection when agricultural land is developed, promotes use of mitigation banks and natural resources preserves, promotes buffers, and minimum parcels sizes based on soil types (Classes I and II: 40 acres; Classes III and IV: 80 acres).

Sacramento County has adopted a special plan for the Delta area. The Delta Community Area Plan, adopted in 1983, designates most of the Delta as permanent agricultural land in 80, 40 and 20 acre parcels. A Special Planning Area is located on Andrus Island focusing on recreational development; additional small areas are designated Commercial Recreation. The area around Stone Lake, Snodgrass Slough, Delta Meadows, tip of Grand Island, Brannan Island State Park, and the islands at southern Sherman Island are designated Recreation, with a Flood overlay.

Existing Zoning:

The zoning ordinance allows minimum parcels of 20 acres, 40 acres and 80 acres in the agricultural areas. There are some inconsistencies between the zoning ordinance and the General Plan; some areas zoned 20 acre minimum parcel are Class I or Class II soils designated minimum parcel size of 40 acres in the new General Plan. The existing communities are low density residential (1 to 12 dwelling units per acre).

Proposed General Plan Amendments:

The County's letter indicates there is only one policy in conflict with the General Plan; Utilities and Infrastructure Policy P-3. The letter states that no action or General Plan amendment is contemplated by the County until the lawsuit against the Delta Protection Commission is resolved.

Analysis in Comparison with the Adopted Plan:

Sacramento County staff has prepared, but did not submit with the August 18, 1995 letter a copy of a detailed analysis. County staff has indicated that the detailed analysis of the County's General Plan and the Commission's adopted resource management plan will be submitted. As of this date, the analysis has not been submitted. Upon receipt of the detailed analysis, Delta Protection Commission staff will complete an analysis and forward that analysis to the Commission.

Analysis of Any Potentially Significant Adverse Environmental Impacts Resulting from the Proposal Which Were not Previously Addressed in the Commission's Planning Documents:

Because no General Plan amendments are proposed, there are no potentially significant adverse environmental impacts associated with the proposal beyond those identified in the analysis prepared the adoption of the resource management plan in February of 1995. However, it should be noted that Sacramento County will be submitting additional information and analysis, which may require additional environmental analysis.

Preliminary Staff Recommendation:

Staff is not prepared to make a recommendation at this time.



COUNTY OF SACRAMENTO

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

827 SEVENTH STREET, ROOM 230
SACRAMENTO, CALIFORNIA 95814
Telephone: (916) 440-6141
FAX: (916) 440-6400

THOMAS W. HUTCHINGS
DIRECTOR

Robert Sherry, Principal Planner
Long Range Planning & Enforcement

Tricia Stevens, Principal Planner
Application Processing

Ana Rhodes, ASO III
Administration

August 18, 1995

Margit Aramburu, Executive Director
Delta Protection Commission
14219 River Road
Walnut Grove, CA 95690

*SUBJECT: GENERAL PLAN CONSISTENCY REVIEW WITH THE DRAFT LAND USE
AND RESOURCE MANAGEMENT PLAN FOR THE PRIMARY ZONE OF
THE DELTA*

Dear Ms. Aramburu:

We have reviewed The Draft Land Use And Resource Management Plan For The Primary Zone Of The Delta (Delta Plan) for any conflict with the County of Sacramento General Plan (General Plan). Our comments are listed below. There is only one policy in conflict with the General Plan, and we explain two others that might seem inconsistent.

The General Plan and the Delta Plan are for all intents and purposes consistent. The single clear case of plan inconsistency is Land Use Policy P-3. Because that policy is the subject of a lawsuit, we are not considering it for a General Plan amendment at this time.

1. Utilities and Infrastructure Policy:

P-3. New sewage treatment facilities (including storage ponds) and areas for disposal of sewage effluent and sewage sludge shall not be located in the Delta Primary Zone.

[Note: The Rio Vista project, as described in the adopted Final Environmental Impact Report for such project, and the Ironhouse Sanitary District use of Jersey Island for disposal of treated wastewater and biosolids are exempt from this policy.]

The General Plan is inconsistent with Delta Plan Utilities and Infrastructure policy P-3 regarding the siting of new sewage treatment facilities and in particular the disposal of sewage sludge within the Delta Primary Zone. The County has not initiated amendments

to the General Plan to address policy P-3 pending resolution of a petition of writ of mandate and complaint for declaratory and injunctive relief filed by Wheelabrator Clean Water Systems, Inc., Bio Gro Systems Division. (Superior Court of California - County of Sacramento, No. 95-CSOO946)

2. Land Use Policy

- P-5. Local government General Plans shall address criteria under which General Plan amendments in the Primary Zone will be evaluated. Proposed amendments to local government General Plans for areas in the Primary Zone shall be evaluated in terms of consistency of the overall goals and program of the Delta Protection Commission.**

This policy calls for the General Plan to address criteria for General Plan amendments in the Primary Zone. The General Plan policy LU-59 directs growth in the Delta to established communities or other small expansions. There are no other criteria listed specifically for the Delta, however, the Land Use Element has policies that state how and where development should expand in rural areas. Further, our development review process uses criteria taken from the state law which established the Delta Protection Commission.

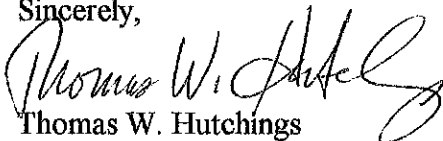
3. Agriculture Policy

- P-2. Local governments shall identify the unique qualities of the Delta which make it well suited for agriculture. These qualities include: rich soil, ample supplies of water, long growing season, mild climate, and proximity to packaging and shipping infrastructure. The unique physical characteristics of the Delta also require that agricultural land owners maintain extensive levee systems, provide flood control, and have adequate drainage to allow the lands to be farmed.**

Local governments are required to identify unique qualities of the Delta making it well suited for agriculture. This is addressed in the Delta Community Plan which is incorporated into, and consistent with, the General Plan.

If you have question regarding this consistency analysis please call Michael Winter or Peter Morse at 440-6141.

Sincerely,



Thomas W. Hutchings
Director

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September 8, 1995

Peter Morse, Planner
Department of Planning and Community Development
827 7th Street, Room 230
Sacramento, CA 95814

Subject: Submittal of County Staff Analysis

Dear Mr. Morse:

I am writing to confirm our telephone conversation on September 7, 1995 in which you indicated that the County Planning staff will finalize and submit for Commission review, the detailed analysis comparing the Delta Protection Commission's adopted "Land Use and Resource Management Plan for the Primary Zone of the Delta" (Delta Plan) and the Sacramento County General Plan.

Submittal of the analysis will be extremely important to the Commission in considering the County's submittal and determining the consistency of the County's General Plan with the Delta Plan and Act.

Sacramento County's letter will be circulated with a brief summary and the information that the detailed analysis will be submitted shortly. The County's proposal will be scheduled for a public hearing at the Commission meeting of September 28, 1995, along with the other local government submittals. The Commission would be pleased if you, or another representative of the Department, would attend that meeting to answer any questions the Commission may have.

I appreciate your cooperation in this regard.

Sincerely,

A handwritten signature in cursive script, reading "Margit Aramburu".

Margit Aramburu
Executive Director

cc: Supervisor Don Nottoli
Thomas W. Hutchings, Director

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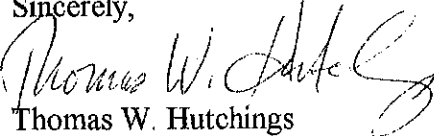
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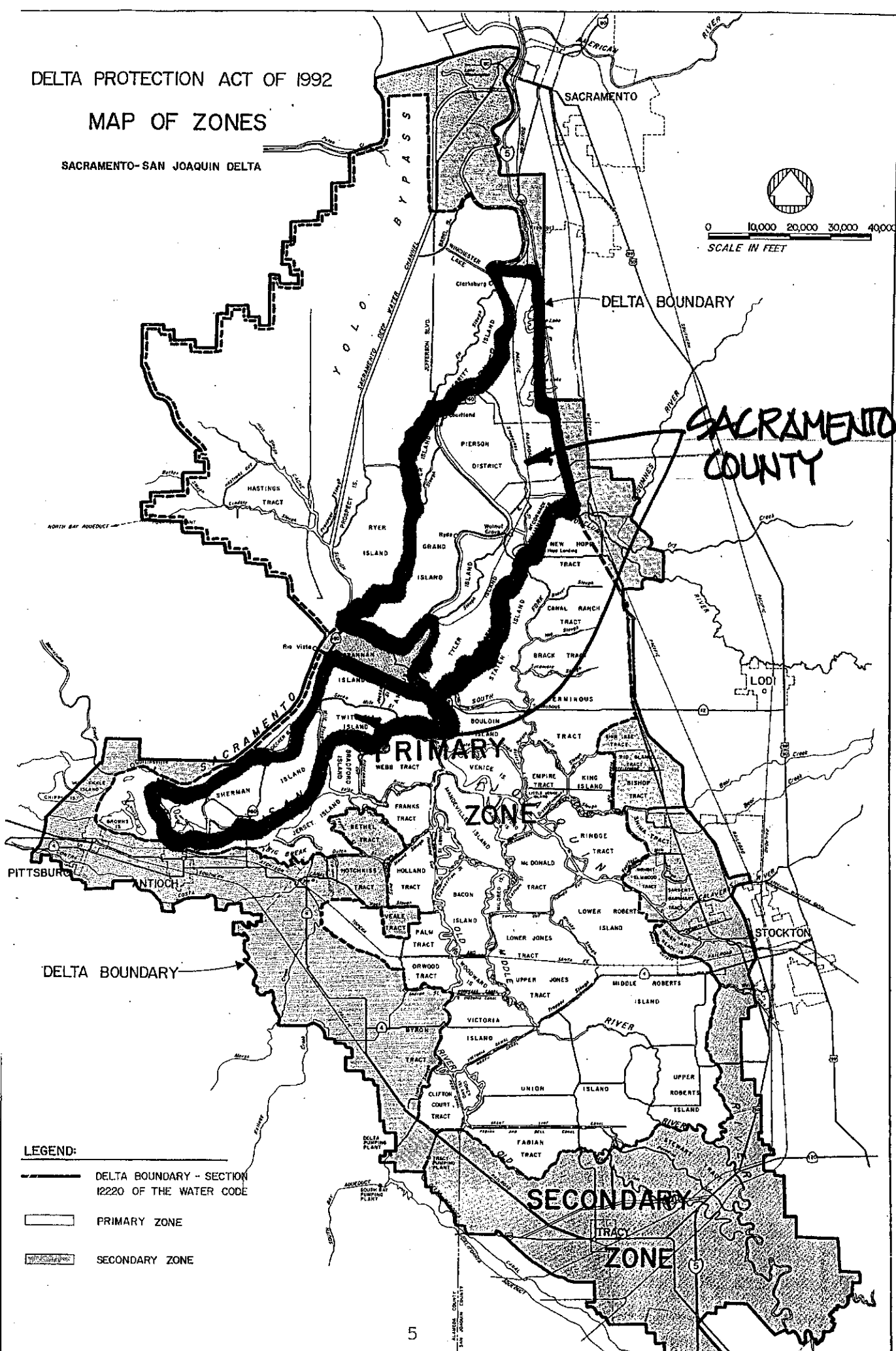
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MAP OF ZONES



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